

**INFORMATION SHEET**  
**DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING**  
**FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY**  
**CORPS OF ENGINEERS**

**DISTRICT OFFICE:** Saint Paul District

**FILE NUMBER:** MVP-2005-1029-JMK

**PROJECT MANAGER:** Judi Kolb

**PROJECT REVIEW/DETERMINATION COMPLETED:** In the office? Y ☐ N ☐

Date:

At the project site? Y ☒ N ☐

Date: November 17, 2005

**PROJECT LOCATION INFORMATION:**

State: Minnesota

County: Pine

Center coordinates of site by latitude & longitude: 45.805396 -92.969992

Approximate size of site/property (including uplands) in acres: 32

Name of waterway or watershed: Snake River Watershed

| Type of Aquatic Resource <sup>1</sup> : | 0-1 ac | 1-3 ac | 3-5 ac | 5-10 ac | 10-25 ac | 25-50 ac | > 50 ac | Linear<br>Ft | Unknown |
|---|--------|--------|--------|---------|----------|----------|---------|--------------|---------|
| Lake                                    |        |        |        |         |          |          |         |              |         |
| River                                   |        |        |        |         |          |          |         |              |         |
| Stream                                  |        |        |        |         |          |          |         |              |         |
| Mudflat                                 |        |        |        |         |          |          |         |              |         |
| Sandflat                                |        |        |        |         |          |          |         |              |         |
| Wetlands                                |        | X      |        |         |          |          |         |              |         |
| Slough                                  |        |        |        |         |          |          |         |              |         |
| Prairie Pothole                         |        |        |        |         |          |          |         |              |         |
| Wet Meadow                              |        |        |        |         |          |          |         |              |         |
| Playa Lake                              |        |        |        |         |          |          |         |              |         |
| Vernal Pool                             |        |        |        |         |          |          |         |              |         |
| Natural Pond                            |        |        |        |         |          |          |         |              |         |
| Other Water (identify type)             |        |        |        |         |          |          |         |              |         |

<sup>1</sup>Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

| Migratory Bird Rule Factors <sup>1</sup>  | If Known |    | If Unknown<br>Use Best Professional Judgment |                          |                                   |
|---|----------|----|--|--------------------------|-----------------------------------|
|   | Yes      | No | Predicted<br>to Occur                        | Not Expected<br>to Occur | Not Able to Make<br>Determination |
| Is or would be used as habitat for birds protected by Migratory Bird Treaties?  |          |    | X  |                          |                                   |
| Is or would be used as habitat by other migratory birds that cross state lines? |          |    |  |                          | X                                 |
| Is or would be used as habitat for endangered species?                          |          |    | X  |                          |                                   |
| Is used to irrigate crops sold in interstate commerce?                          |          | X  |  |                          |                                   |

<sup>1</sup>Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

**TYPE OF DETERMINATION:**

Preliminary ☐ Or Approved: ☒

**FILE NUMBER: MVP- 2005-1029-JMK**

**ADDITIONAL INFORMATION SUPPORTING njd** (e.g., paragraph 1 site conditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite):

**The wetland is an isolated basin with no inlet or outlet surrounded by upland. The entire wetland lies within Pine County, Minnesota. In addition, the waterbody has no surface connections, either direct or adjacent, that are part of a tributary system to an interstate or international water. This is an isolated wetland on private property surrounded by upland. This wetland has not been used for recreational or interstate commerce or other purposes.**